

**LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

COUNTY SERVICES BUILDING, ROOM 1028

**MINUTES
DECEMBER 4, 2002 MEETING**

Board Members Present:

Ben Tucker, Chairman
Alan Peltz
Dick Harris
Dudley Bates
Thomas Mahoney

Staff Members Present:

Matt West, Planning Manager
Shannon Suffron, Development Review Division
Rob Walsh, Principal Coordinator
Earnest McDonald Principal Coordinator

I. Call to Order

Chairman Tucker called the meeting to order at 7:00 P.M.

II. Roll Call

A quorum was established.

III. Acceptance of Proof of Publication

Mr. Mahoney made a motion to accept the proof of publication as presented.

Mr. Bates seconded the motion. The proof of publication was accepted unanimously (5 – 0).

IV. Approval of the Minutes

The minutes from the November meeting of the Board were unanimously approved as circulated without objection.

Chairman Tucker noted that the first meeting day for the Board in 2003 falls on New Year's Day.

Mr. Mahoney made a motion to hold the January, 2003 meeting on January 8, 2003.

Commissioner Harris seconded the motion. The motion was unanimously passed (5 – 0). The January meeting will be held on January 8, 2003.

V. OLD BUSINESS

ITEM BEING REQUESTED FOR CONTINUANCE:

- A. **Seminole County And The City Of Sanford;** A proposed joint planning agreement between Seminole County and the City of Sanford for the purpose and intent of adopting standards and procedures to ensure that coordinated and cooperative planning activities are accomplished to guide urban expansion in a spirit of harmony and cooperation in matters relating to, but not limited to, planning, future development approvals, annexations, and land development regulations.

BCC Districts 2 and 5 – Commissioners Morris and McLain

Rob Walsh, Principal Coordinator

Commissioner Mahoney made a motion to continue this item to the next scheduled meeting of the Board. (January 8, 2003.)

Commissioner Harris seconded the motion. The motion passed unanimously (5 – 0). This item is continued to the January 8, 2003 meeting.

VI. Preliminary Subdivision Plans

- A. **Madison Creek PSP;** Daly Design Group / Thomas Daly; Preliminary Subdivision; 46 Lots approximately 19.23 acres; Tuskawilla Road, south of Lake Howell Creek. (02-5500045)

Commissioner Maloy – District 1

Shannon Suffron, Planner

Shannon Suffron pointed out that the designations on the maps for the two items she is presenting are switched. The Madison Creek subdivision is in orange, and Madison Place is in blue. The Madison Creek subdivision is a larger development of single family homes.

Ms. Suffron stated that Staff recommended approval of the application for the 46 single family lots. The project is located on the corner of Tuskawilla Road and Sunset Lane. The project contains approximately 19 acres and is zoned R-1A. The typical lot size is 9,000 square feet and has utilities provided by Seminole County utilities, and the roads are public. The applicant is not requesting any waivers at this time.

There were no questions from the Board.

Chairman Tucker pointed out that this item was not for public hearing.

Commissioner Harris made the motion to approve the application.

Commissioner Pelz seconded the motion. The motion to approve the application was unanimously approved (5 – 0).

- B. Madison Place – Daly Design Group / Thomas Daly;** Preliminary Subdivision 48 Lots Approximately 6.6 acres; southwest corner of Tuskawilla Road and Sunset Lane, ¼ mile north of Dike Road. (Z2002-009)

Commission Maloy – District 1

Shannon Suffron, Planner

Shannon Suffron presented the application for the Madison Place preliminary subdivision site plan.

She stated that it was Staff's recommendation for approval of the plan. It is 48 residential townhome lots, located at Tuskawilla Road and Sunset Lane. This project is on 6.6 acres and has PUD - Planned Unit Development zoning. It is served by Seminole County utilities and has private roads. It has a typical lot size of 2,420 square feet. The applicant is requesting no waivers.

Chairman Tucker pointed out that this was not a public hearing.

Commissioner Harris made a motion to approve the application.

Commissioner Peltz seconded the motion. The motion passed unanimously (5 – 0).

VII. NEW BUSINESS

- A. JZ Riders, H&S Development Enterprises / Jerry Zebrowski;** approximately 10.35 acres; Rezone from C-2 (Commercial Development District) to PCD (Planned Commercial Development). Orange Boulevard at Monroe Road – SR 15A. (Z2002-027)

Commissioner McLain – BCC District 5

Earnest McDonald, Principal Coordinator

Earnest McDonald stated that the property is approximately 10.5 acres on the SW corner of Monroe Road and Orange Boulevard, to the east of Interstate 4. The site is comprised of an abandoned commercial building and has access to both Orange Boulevard and Monroe Road by way of existing driveways shared with a convenience store to the east of this property. The applicant is proposing a three-phase development on the property.

Phase I will be a 10,000 square foot sports bar and grill and a 4,100 square foot motorcycle sales and service building and 18,000 square feet motor cycle parking area

Phase II will involve a 5,000 square foot two-story restaurant building.

Phase III will include a 50 room, four story motel.

The site is zoned C-2 and is surrounded by A-1 zoning to the north and west, PCD zoning to the east, A-1 zoning to the southwest. of the site, and PCD is to the southeast of the property. The subject property has a FLU designation of HIP-TI and is surrounded by HIP-TI to the east and south. Properties to the north have no FLU designation. Lastly, the subject property is comprised of an abandoned commercial building with interstate highway, retail, and single family uses on nearby and adjoining properties.

Mr. McDonald stated that Staff believes this site is compatible with surrounding land uses. A 100-foot building setback in combination with a 50 foot active buffer will be required to buffer those existing residential properties just to the southwestern edge of the property. This request is consistent with the County Comprehensive Plan and applicable land development regulations.

Steve Mellich, of Mellich-Blanding Engineering, represented the applicant and spoke next. He addressed points in the proposed development order, including items D through G.

Mr. Mellich stated that the majority of the items were brought up at the DRC meeting prior to the application and contested Staff's recommended improvements on the intersection at Monroe Road and Orange Avenue. Items D to G were incorporated in the proposed plans. Mr. Mellich further stated that the current intersection will not allow the revisions to be made. Mr. Mellich asked permission to negotiate a revised development order with Staff before going to the Board of County Commissioners meeting.

No one spoke from the audience concerning the application.

The public hearing was then closed

Mr. Mahoney asked Matt West, Planning Manager, if the applicant's revisiting the development order's items D – G had merit.

Mr. West stated that item D would be significant at the initial planning stage, because of the "no additional vehicle access points." Items E, F, and G are typically engineering issues that come up later in the process. Mr. West stated that typically, access points are agreed to at the time of zoning.

Chairman Tucker asked if item D applied to Orange Blvd., as it is now, or in the future.

Mr. McDonald stated it addresses the intersection as it is now, and most of the improvements are to be along Monroe Road, but that a median proposed will extend to the west of the existing driveway, which will restrict access to right in, right out access.

Chairman Tucker asked if Staff was comfortable with only one access point.

Mr. McDonald stated that there was another access point by means of an additional driveway, along Monroe Road, also restricted to right in, right out access.

Commissioner Mahoney asked if Mr. Mellich concurred with Mr. McDonald to accept item D, but rework items E through G before the next meeting.

Mr. Mellich said that he would like to rework E to G.

Commissioner Harris observed that if access were restricted to right in, right out access at both access points, the population approaching the business from the west would have no way to exit the property in the direction from which it came.

Mr. Mellich stated that a U-turn would have to be made to go back in the opposite direction.

Commissioner Mahoney asked about access from the south and east.

Mr. Mellich again said a U-turn would be necessary. He stated that the traffic department had no problem with this upon examination of the plan.

Commissioner Mahoney asked if there were any left turns to the site allowed onto or from Orange Boulevard.

Mr. Mellich said that left turns were not allowed. The median cut off Monroe to make the left was not allowed due to stacking requirements.

Mr. McDonald said that he had spoken to the traffic engineers who suggested that School Road would allow access from both directions, if used. This road would have to be improved, however, since it does not meet County standards.

Chairman Tucker inquired about the median stretching to School Road.

Mr. McDonald said that the median did not extend that far.

Commissioner Tucker asked Mr. Mellich if he had considered providing access to the site from School Road.

Mr. Mellich said that an access point at that location had not been considered since they were trying to provide buffering to the residential area on that side. He felt that the project could stand on the access points being provided today.

Commissioner Mahoney stated that the applicant had not maximized the complete use

of the land in this application, but traffic demand in and out of the site, should it become maximized in use, will create a problem. Mr. Mahoney stated that there is something wrong with forcing several thousand turning movements a day to make U-turns. He suggested that Staff might want to re-think the absence of a transportation concept in this project.

Commissioner Tucker concurred.

Mr. McDonald explained that detailed transportation or engineering issues are addressed at the final master plan stage.

Commissioner Tucker stated that he would like to see the School Road access opened up and put in the approval.

Mr. McDonald stated that School Road access could be opened up if necessary.

Commissioner Harris wondered what the traffic is on Monroe Road that is causing the access to be blocked, making it a right in, right out only access at this time.

Chairman Tucker stated that a longer stacking lane and a median cut would help substantially.

Mr. McDonald explained that the road improvements in the area are part of a 5-year capital improvement plan scheduled to begin in 2004.

Mr. Harris said that there is sufficient time to make studies to find out how much traffic would stack up at the light.

Chairman Tucker stated that the traffic stacks beyond the post office to near the nurseries.

Mr. McDonald stated that the studies indicate that there is enough capacity to accommodate this project.

Commissioner Mahoney made a motion to approve the rezoning from C-2 to PCD subject to Staff conditions in the development order.

Commissioner Bates seconded the motion.

In discussion, Commissioner Mahoney suggested that Staff revisit items E through G in the development order. Further, Staff should rethink the transportation concept here. He suggested that there might be a better way to solve the traffic problem, which should be found before sending it on to the BCC.

Commissioner Harris agreed with Commissioner Mahoney's remarks. He stated that HIP districts need maximized traffic flow to develop to their fullest potential, to maximize tax base.

Mr. Mellich stated that he would meet with the traffic engineers to see if he could relocate the access on Orange Boulevard further west and outside the influence of a concrete median, in addition to acquiring a full turning motion off Orange Boulevard.

Commissioner Peltz inquired about I-4 access.

Mr. Mellich said that the I-4 access was being reworked and would not be an issue anymore.

Chairman Tucker then called for the vote. The motion to approve the request was passed unanimously (5 – 0).

B. Proposed Comprehensive Plan Text Amendment; Proposed amendment to Transportation Element Policies TRA 4.4 and 7.3 to allow for erosion control paving of South Lake Sylvan Drive. (02F.TXT04)

Countywide

Dick Boyer, Senior Planner

Dick Boyer presented the request from the Roads Department that the plan be changed to allow this to be paved. The current policy is that the road be kept to two lanes and remain unpaved. Mr. Boyer explained that the Roads Department had received numerous requests that the road be paved. Mr. Boyer stated that he had also received e-mails from public interest and environmental groups in agreement with the proposed paving. Staff is in agreement with this, being a minor change to the Comprehensive Plan and it would seem to promote less erosion in the area. Public Works would use an alternative surface program which has been set up for all unpaved roads in the County.

There was no one in the audience to participate in a public hearing which was opened and then closed, having no public input.

Commissioner Mahoney made a motion which recommended adoption of the proposed text amendment allowing for erosion control paving on South Lake Sylvan Drive.

Commissioner Harris seconded the motion.

The motion passed unanimously (5 – 0).

VIII. PLANNING MANAGER'S REPORT

Matt West, Planning Manager, stated that there will be an adoption hearing for the Large Scale Land Use Amendments on December 10, 2002. The only objection from DCA was for the text amendment which allows middle schools in the Wekiwa River

Protection area. The policy was revised to make the exception to place a middle school next to Heathrow Elementary School. The DCA felt that the areas should be specifically delineated, and that this policy is too broad. Staff is working to make the language more specific to that piece of property. Staff wants to make the policy general, but we will make it clear that this policy is relevant to both public and private schools. The DCA wants the specific acreage delineated.

Chairman Tucker inquired about the School Board appointee to the LPA/P&Z Board.

Mr. West said that he was unaware of who would be appointed.

Chairman Tucker inquired about briefing the BCC members on areas in which the LPA/P&Z Board members differed with Staff.

Mr. West stated that BCC members get a copy of the minutes from the LPA/P&Z meetings.

Commissioner Tucker was concerned about the philosophical property rights issue that had been raised during the Deep Lake discussion. He stated that the BCC should know about important contentious discussions since they raise important points of view.

Commissioner Harris stated that a precedent setting issue had come up which would have made the developer do something off site on land they have no control over.

Mr. West stated that the discussion tonight on JZ Riders had brought out issues of developers making off site improvements also. Mr. West stated that developers have been made to bring substandard intersections up to code in conjunction with property development before, as well as to provide sidewalks in certain instances.

Chairman Tucker again expressed a desire for the BCC to be informed of important issues of unique circumstance or philosophical issues brought up in discussions at the meetings.

Mr. West stated that the Large Scale Land Use Amendments of the Spring 2003 cycle have been divided into two groups for presentation at the next two meetings. These projects include the Banana Lake Road project and the Mikler/Red Bug Wal-Mart Supercenter project.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 P.M.